

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

GENERAL MOTORS LLC IGNITION SWITCH  
LITIGATION

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 06/23/2015
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14-MD-2543 (JMF)  
14-MC-2543 (JMF)

**ORDER NO. 60**

*This Document Relates to All Actions*  
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JESSE M. FURMAN, United States District Judge:

**[Regarding the June 16, 2015 Status Conference]**

The Court, having held a Status Conference on June 16, 2015, and having given Lead Counsel for Plaintiffs (“Lead Counsel”) and counsel for Defendants an opportunity to be heard on the agenda items set forth in the parties’ June 11, 2015 agenda letter (14-MD-2543 Docket No. 1033), issues this Order to memorialize the actions taken and rulings made at the Status Conference.

**I. ADDITIONAL STATUS CONFERENCE DATES**

Unless and until the Court orders otherwise, the Court will conduct additional Status Conferences on the following dates: **Friday, August 28, 2015; Monday, September 21, 2015; Friday, October 23, 2015; and Friday, November 20, 2015.** Further, unless the Court orders or indicates otherwise, all Status Conferences will begin at **9:30 a.m. Eastern Time** and will be held in Courtroom 1105 of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York.

**II. MAGISTRATE JUDGE**

In light of Magistrate Judge Dolinger's retirement, the Court has re-designated all MDL cases to Magistrate Judge James Cott. As such, any order that references Judge Dolinger (*see, e.g.,* Order No. 36 ¶ 65, 14-MD-2543 Docket No. 604) is hereby amended to refer instead to Magistrate Judge Cott.

**III. REDACTIONS IN THE AMENDED CONSOLIDATED COMPLAINT AND MOTION TO COMPEL KING & SPALDING DOCUMENTS**

The parties are to meet and confer regarding the redactions in the amended consolidated complaint (14-MD-2543 Docket No. 1038), and any corrected versions thereof, and plaintiffs' motion to compel King & Spalding documents (14-MD-2543 Docket No. 1028), along with any exhibits to the motion to compel submitted under seal. To the extent any party believes that any of the foregoing documents should remain redacted or under seal, that party shall file a letter brief (not to exceed ten single-spaced pages) by **Tuesday, June 30, 2015**, explaining why the redaction or sealing is consistent with the presumption in favor of public access to judicial documents.

**IV. TIMING AND SCOPE OF MOTION PRACTICE ON THE AMENDED CONSOLIDATED COMPLAINT**

The parties are to meet and confer and submit an agreed upon proposed order or competing letter briefs (not to exceed five single-spaced pages) addressing the timing and scope of motion practice on the amended consolidated complaint by **Tuesday, June 30, 2015**.

**V. IDENTIFICATION OF CLAIMS TO BE DISMISSED WITHOUT PREJUDICE PURSUANT TO ORDER NO. 50, IDENTIFICATION OF INDIVIDUAL CLAIMS NOT CONTAINED IN THE AMENDED CONSOLIDATED COMPLAINT PURSUANT TO ORDER NO. 51, AND TIMING AND SCOPE OF DISCOVERY AND MOTION PRACTICE ON INDIVIDUAL ECONOMIC LOSS COMPLAINTS**

The parties are to meet and confer and submit agreed upon proposed orders or competing letter briefs by **Tuesday, June 23, 2015**, on the following topics: a) the list of individual economic

loss complaints and economic loss claims contained in personal injury complaints to be dismissed without prejudice pursuant to Order No. 50, paragraph 7; b) a revised list<sup>1</sup> of “all factual predicates (i.e., alleged defects) and legal claims that are alleged in any individual economic loss complaint that are not included in the amended consolidated complaint,” as required by Order No. 51 Section VII; c) a proposed order alerting individual plaintiffs’ counsel to the requirement that all common discovery must be taken in the MDL or otherwise be waived and barred; and (d) an order governing the timing of motion practice on unique claims contained in any individual economic loss complaint. The proposed orders required by subparagraphs (a) and (b) should incorporate a procedure whereby individual plaintiff counsel will have fourteen days to formally object to the designation of their complaints under subparagraphs (a) and (b), and the proposed order required by paragraph (d) should include a procedure whereby individual counsel for reinstated complaints are provided an opportunity to address the timing and scope of motion practice on their complaints.

#### **VI. COORDINATION IN RELATED ACTIONS**

The parties are to continue their coordination efforts in Related Actions pursuant to Order No. 15 (14-MD-2543 Docket No. 315) and keep the Court apprised of emerging coordination issues through their biweekly joint letter updates (*see* Order No. 8 § V, 14-MD-2543 Docket No. 249) or in separate letter updates, as circumstances require.

#### **VII. BELLWETHER TRIAL SCHEDULING**

Consistent with the Court’s comments at the Status Conference, the parties should meet and confer and be prepared to discuss at the August 28, 2015 Status Conference the scheduling of additional Early Trial Cases (*see* Order No. 25 ¶ 51, 14-MD-2543 Docket No. 422) in 2016. The

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<sup>1</sup> Lead Counsel submitted an original version of this list on June 12, 2015. (ECF No. 1039). Because certain plaintiffs objected to the original list, the parties should consider the objections and submit a revised list.

parties should also discuss whether entry of a supplemental bellwether order for bellwether personal injury actions subject to recalls other than the Cobalt/Ion ignition switch recall (NHTSA Recall # 14-V-047) should be addressed at the August 28, 2015 Status Conference.

**VIII. DEPOSITION UPDATE**

The parties should continue to meet and confer regarding issues related to the deposition of New GM's outside counsel, Anton Valukas. The parties are to submit simultaneous letter briefs (not to exceed ten single-spaced pages) regarding any remaining disputes by **Friday, July 17, 2015**, and any reply briefs (not to exceed five single-spaced pages) should be filed by **Friday, July 24, 2015**.

**IX. BELLWETHER TRIAL PLEADINGS AND SUBMISSIONS**

Pursuant to Order No. 25 Paragraph 49, on **July 15, 2015**, the parties shall submit letter briefs, not to exceed ten single-spaced pages, "proposing the order of [Early Trial Cases] and setting forth the parties' rationales for their proposed orders." The parties' letter briefs should principally address why — and how — the Early Trial Cases they seek to try first are representative of cases in the MDL as a whole.

Further, the parties should meet and confer regarding whether and to what extent the bellwether plaintiffs should be required to file individual complaints and the timing for New GM to answer any such individual bellwether complaints. The parties should submit to the Court a joint letter regarding their proposal. If the parties are unable to reach an agreement, they are to inform the Court so that the dispute may be resolved promptly and prior to the August 28, 2015 status conference.

**X. ADDITIONAL DOCUMENTS THAT NEW GM HAS PRODUCED TO THE U.S. GOVERNMENT**

The parties have met and conferred and resolved some issues arising from Lead Counsel's discovery requests seeking production of all documents that New GM has produced to the U.S. Government. The parties should continue to meet and confer and, if they are unable to resolve any remaining issues, they should submit a joint letter proposing a briefing schedule.

**XI. TREATMENT OF NON-CONFIDENTIAL DISCOVERY MATERIAL**

New GM is to submit a brief (not to exceed twenty double-spaced pages) regarding the treatment of non-confidential discovery material by **Friday, June 19, 2015**. Plaintiffs are to submit a response brief (not to exceed the twenty double-spaced pages) by **Wednesday, June 24, 2015**.

**XII. HAMMATT PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL**

The parties are to inform the Court of their views regarding the *Hammatt* Plaintiffs' notice of voluntary dismissal or of any proposal to address the notice by **Tuesday, June 23, 2015**.

SO ORDERED.

Dated: June 22, 2015  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge